

REMARKS

This Amendment add new claims 34 and 35, and amends claims 25 and 32. The Markush group for the functional additives (h) of claims 25 and 32 is supported by page 13, lines 24-26. New dependent claims 34 and 35 are supported by page 17, lines 25 and 33. Claims 25-29 and 31-35 are pending.

Examiner Loewe is thanked for the courtesies extended to the undersigned during a telephonic interview held September 10, 2009. During the interview, the Examiner indicated a proposed amendment of claims 25 and 32 would overcome the obviousness rejection discussed below. This Amendment is identical to the proposed amendment discussed during the interview, with the exception of the addition of two new dependent claims.

The 35 U.S.C. § 103(a) rejection of claims 25-29 and 31-33 over U.S. Patent No. 5,658,674 to Lorenzetti et al. in view of U.S. Patent No. 6,387,520 to Fujiki et al. is traversed. The claimed composite is prepared by impregnating a substrate with a silicone composition consisting essentially of a specified formulation which must contain an adhesion promoter and which does not contain a filler. Additionally, the composition must have a dynamic viscosity of between 1000 and 7000 mPa.s at 25°C before

crosslinking. The resulting composite has a capillary rise of less than 10 mm, as measured in a T test.

This Amendment addresses the claim construction issues raised by the Patent Office. First, the transitional phrase has been changed to --consisting of--. Second, optional functional additive (h) of independent claims 25 and 31 has been amended to recite a Markush group of dyes and stabilizers, which group clearly excludes fillers. These changes, taken together, clearly exclude fillers from the silicone composition used to prepare the claimed composite.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed composite for the reasons previously stated - their combined disclosure would not lead one of ordinary skill in the art to the claimed composite.

The Patent Office concedes Lorenzetti et al. fails to disclose the claimed dynamic viscosity of between 1,000 and 7,000 mPa.s at 25°C before crosslinking. Instead, the Lorenzetti et al. compositions have a dynamic viscosity ranging from 10,000 and 50,000 mPa.s (col. 8, lines 13-15).

Applicants have previously noted the Lorenzetti et al. Example teaches the use of a silicone composition which contains a filler.

In response, the Patent Office argues the Lorenzetti et al. Example is a preferred embodiment, and that Lorenzetti et al. can be cited for its non-preferred, non-filler-containing silicone composition.

The Patent Office cites Fujiki et al. to show motivation to modify Lorenzetti et al. by using a less viscous silicone composition. However, the Office cannot have it both ways, *i.e.*, cite Fukiki et al. for one disclosure (viscosity) and ignore another disclosure in the same reference (the importance of a silica filler) which teaches away from the claimed composite.

Fujiki et al. teaches the inclusion of wet silica filler to a silicone composition is important to adjust the composition's viscosity so that it may form a solventless liquid system (Col. 4, lines 35-48). Fujiki et al. also teaches its wet silica filler can act as a flame retardant¹ if the filler's sodium ion content is reduced (Col. 4, line 63 to Col. 5, line 39).

One of ordinary skill in the art, reading the combined disclosure of Lorenzetti et al. and Fujiki et al., would naturally use a silica filler in his silicone composition. It is respectfully submitted the Patent Office is improperly using

¹Those of ordinary skill in the air bag art know flame retardancy is important.

hindsight analysis to argue one of ordinary skill in the art would select a non-preferred embodiment of Lorenzetti et al., contrary to the clear teaching in Fujiki et al. to use a silica filler.

Col. 8, lines 11-16 of Fujiki et al do not provide any basis for suggesting the viscosity of the Lorenzetti et al. compositions should be decreased. Instead, this portion of Fukiki et al. merely discloses the Fujiki et al. compositions are able to form a thin coating having a minimized surface tack without using solvents due to an improved infiltration. Col. 1, lines 48-55 of Fujiki et al. teach that one object of the invention is to provide a solventless liquid silicone composition having improved infiltration and adhesion ability and that can be thinly coated to form a coating having a minimized surface tack and a high bond strength (Col. 2, line 3) on air bag fabrics.

The Applicants' goal of completely impregnating (i.e, right to the core) a fabric is diametrically opposite that of providing a thin coating, as taught by Fujiki et al. One of ordinary skill in the art, seeking to provide a waterproof composite, cannot have any incentive to combine Fujiki et al. and Lorenzetti et al. Again, it is respectfully submitted the Patent Office is relying on hindsight

knowledge to combine these references, rather than the disclosures of the references themselves.

The Applicants have discovered silica filler (taught in Fujiki et al. and in the Lorenzetti et al. Examples) has an undesirable effect on a composite's anti-wicking properties, as measured by capillary rise. See the test data in the Appendix to the previous Amendment.

The Patent Office discounts this test data based on unsupported speculation that the prior art composites of Fujiki et al. and Lorenzetti et al. were poorly coated. In fact, the prior art coatings were applied using a pressure of at least 22 Kg/cm (Fujiki et al.) and 45 kg/cm (Lorenzetti et al.). The poor capillary performance of the prior art coatings is in sharp contrast to the claimed composite (coated at a pressure of 22 Kg/cm). One of ordinary skill in the art would consider the superior anti-wicking properties of the claimed composite (0 mm capillary rise over 24 hours) to be surprising and unexpected in view of the prior art composites.

In short, one of ordinary skill in the art has no motivation or apparent reason to combine Lorenzetti et al. and Fujiki et al. Moreover, their improper combination fails to suggest the claimed

composite to one of ordinary skill in the art. Finally, the anti-wicking properties of the claimed composite are unexpectedly superior to those of the Lorenzetti et al. and Fujiki et al. composites. Reconsideration and withdrawal of the obviousness rejection of claims 25-29 and 31-33 over Lorenzetti et al. and Fujiki et al. are respectfully requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of the obviousness rejection of claims 25-29 and 31-33, and issuance of a Notice of Allowance directed to claims 25-29 and 31-35, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

The fee for the extension of time is being paid electronically today. It is not believed any additional fee is required for entry and consideration of this Amendment. Nevertheless, the

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AMENDMENT

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Commissioner is authorized to charge any such additional required fee, or credit any overpayment, to Deposit Account No. 50-1258.

Respectfully submitted,

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Enclosure:
Petition for Extension of Time